

REMARKS

Initially, Applicant notes that the remarks and amendments made in this paper are consistent with those presented to the Examiner by telephone.

By this paper claims 1, 13, and 23 have been amended, claim 32 has been canceled, and no claims have been added such that claims 1-2 and 4-31 remain pending, of which claims 1, 13, and 23 are the only dependent claims at issue.

The Office Action mailed May 12, 2008, considered and rejected claims 1-2 and 4-32. Claims 1-2 and 4-32 were rejected under 35 U.S.C. § 102(e) as being anticipated by Multer et al. (U.S. Patent No. 6,671,757).¹

The present claims are directed to embodiments for synchronizing multiple data stores. Claim 1, for example, recites a system for synchronizing multiple replicas. In the system, a computer processor executes a sync runtime module that provides services to one or more sync adapters. The services provided by the sync runtime module to each of the one or more sync adapters include a change enumeration service that compares a first knowledge of a first replica with a second knowledge of a second replica to enumerate changes that are described by the second knowledge and absent from the first knowledge. A first data store contains a first replica for synchronization with one or more additional data stores. The first data store further contains a first knowledge of the first replica, the first knowledge comprising information describing a set of changes to the first replica and the first knowledge being independent from changes to other replicas. One or more sync adaptors are included with each of the one or more synch adaptors being configured to synchronize the first replica of the first data store with a second replica of a particular data store. The particular data store contains the second replica to be synchronized with the first replica with the particular data store further contains a second knowledge of the second replica, the second knowledge comprising information describing a set of changes to the second replica and the second knowledge being independent from changes to other replicas. A sync controller instantiates a particular sync adapter such that the particular sync adapter utilizes the services provided by the sync runtime module to synchronize the first replica in the sync community with the second replica utilizing the first knowledge and the second knowledge.

¹ Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

The other independent claims, claims 13 and 23, are directed to a method consistent with the system of claim 1 and a computer program product implementing a method consistent with the system of claim 1, respectively.

At a high-level view, Multer is directed to synchronizing device. However, while the pending claims and Multer each relate to synchronization, Multer synchronizes objects in a matter that is significantly different from that of the claims, and is therefore distinguishable. For example, the presently claimed embodiments recite the use of **knowledge** of a replica to use for synchronization. Knowledge is defined within the claims as a set of changes to a replica and independent of other replicas. By using such knowledge, a replica can synchronize with any other replica without having to maintain information about other replicas. This is accomplished by comparing the knowledge of the replicas and noting any differences. Without using knowledge, the replicas would either need to compare the entire replicas to note differences, or they would need to maintain a familiarity of the state of other replicas.

Multer approaches the problem of synchronizing multiple replicas by using a differences mechanism to compute the differences between a package to be sent and the present state of a computer. The differences are then sent. This is shown in figures 1-6 and 8-9 of Multer where a difference information file is used to transfer changes between systems for synchronizations. Such difference information differs from the present claims in a number of significant ways. In the pending claims, the knowledge is maintained each time the replica is changed and keeps track of the changes to the replica. The difference information of Multer, on the other hand, does not represent changes to the replica, but instead only highlights the differences between the replica and a second data source. The change file is dependent upon the contents of the second data source, whereas the knowledge of a replica is unvarying regardless of what replica it is synching to.

While the Office Action cites column 6, lines 3-19 of Multer as teaching various aspects of the claimed invention, Applicant respectfully submits that the use of knowledge as taught in the current claim embodiments is missing in this portion and the entirety of Multer. As explained previously, the difference information of Multer is significantly different from knowledge as recited in the current claims. In view of Multer's failing to teach at least the element of "knowledge", as described and claimed in each of the independent claims, applicant respectfully submits that the current claims are allowable over the cited art.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 11th day of November, 2008.

Respectfully submitted,

/Colby C. Nuttall, Reg. # 58146/

RICK D. NYDEGGER
Registration No. 28,651
COLBY C. NUTTALL
Registration No. 58,273
JOHN C. BACCOCH
Registration No. 59,890
Attorneys for Applicant
Customer No. 047973

RDN:CCN:JCB:gd